



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART VI

#### THE POLICE

##### *Temporary provisions concerning composition of the police*

#### **46 Discrimination in appointments**

- (1) In making appointments under section 39 on any occasion, the Chief Constable shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(5) an even number of persons of whom—
  - (a) one half shall be persons who are treated as Roman Catholic; and
  - (b) one half shall be persons who are not so treated.
- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (1) in its application to the making of appointments under section 39 on any occasion specified in the order.
- (3) The Secretary of State shall not make an order under subsection (2) in relation to the making of appointments under section 39 on any occasion unless he is satisfied that—
  - (a) were those appointments to be made in compliance with subsection (1) (as originally enacted) the number of police trainees which the Chief Constable requires to be appointed on that occasion could not be appointed; or
  - (b) one or more orders under subsection (2) have been made in the previous three years and he considers that it is appropriate to make the order for the purpose of redressing, or partially redressing, the imbalance occurring during that period.
- (4) No order may be made under subsection (2) as a result of subsection (3)(b) which has the effect, as respects an occasion specified in the order, of requiring more than three-quarters of the persons appointed on that occasion to be—
  - (a) the persons who are treated as Roman Catholic; or
  - (b) the persons who are not so treated.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(6) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and
  - (b) one half shall be persons who are not so treated.
- (6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (5) in its application to the making of appointments under section 4 on any occasion specified in the order.
- (7) The Secretary of State shall not make an order under subsection (6) in relation to the making of appointments under section 4 on any occasion unless he is satisfied that were those appointments to be made in compliance with subsection (5) (as originally enacted) the number of police support staff which the Chief Constable requires to be appointed on that occasion could not be appointed.
- (8) In subsections (1), (4) and (5) “treated as Roman Catholic” means treated by the Chief Constable in accordance with the Monitoring Regulations as belonging to the Roman Catholic community in Northern Ireland.
- (9) In subsection (8) “the Monitoring Regulations” means the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 or any regulations replacing those regulations and for the time being in operation.
- (10) In Part VIII of the Fair Employment and Treatment (Northern Ireland) Order 1998 (exceptions) after Article 71 there shall be inserted—

**“71A The police and the police support staff**

- (1) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
  - (2) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).
  - (3) The application of any requirement or condition to any person applying for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve on a part-time basis where the requirement or condition is one that the person applying is resident in a particular area is not by virtue of Article 3(2) unlawful under any provision of Part III or V.”
- (11) In Part VI of the Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

**“40A The Police Service of Northern Ireland and the police support staff**

- (1) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
- (2) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).”